



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

November 15, 2005

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Subject: Final Approval of Intake Entry Portal Breakout, PacifiCorp, Deer Creek Mine, C/015/0018, Task ID #2364, Outgoing File

Dear Mr. Semborski:

The above-referenced amendment is approved effective today. This proposal was determined by OSM not to be a mining plan modification on November 1, 2005, the BLM approved the modification of the R2P2 on November 1, 2005, and the Manti LaSal National Forest agreed with the construction of this second air course on November 10, 2005 (see attached).

A stamped incorporated copy of the approved plans is enclosed for insertion into your copy of the Mining and Reclamation Plan. If you have any questions, please call me at (801) 538-5268.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

an
cc: Ranvir Singh, OSM
Jim Kohler, BLM
Alice Carlton, USFS (2)
Mark Page, Water Rights w/o
Dave Ariotti, DEQ w/o
Derris Jones, DWR w/o
Price Field Office
O:\015018.DER\FINAL\FinApp2364.doc



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

P.O. Box 46667

Denver, Colorado 80201-6667

UT-0016

November 1, 2005

Utah Division of Oil, Gas, & Mining
Coal Regulatory Program
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Sharon
c/o 15/0018

RE: PacifiCorp - "Deer Creek" Mine - Application for a Permit Revision, Amendment to Deer Creek Mine Permit Volume 11

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) October 28, 2005, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Permit Revision, Amendment to Deer Creek Mine Permit Volume 11, has determined that it proposes to create a second 30 foot by 40 foot air intake break out in Rilda Canyon in order to alleviate ventilation problems at the Deer Creek mine, Utah State permit C/015/018.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR 746.18(d). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Revision, Permit Renewal, with other Federal agencies for compliance with other Federal regulations.

OSM did not transmitted the October 28, 2005, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment, since the permit revision was discussed with these agencies in teleconferences of August 22, 2005, and October 29, 2005.

TAKE PRIDE[®]
IN AMERICA 

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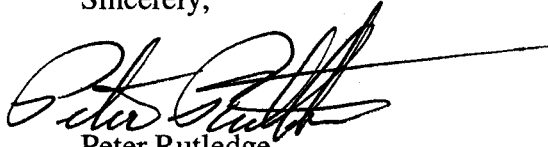
NOV 07 2005

DIV. OF OIL, GAS & MINING

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,



Peter Rutledge
Chief, Program Support Division

cc: BLM - Utah State Office
BLM - Price Field Office
USFS - Manti-La Sal NF
Denver Field Division



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
3482, SL-070645
U-06039, (UT-923)

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Certified Mail--Return Receipt Requested

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NOV 03 2005

DIV. OF OIL, GAS & MINING

Mr. Carl Pollastro
Director of Technical Services and Project Development
Interwest Mining Company
One Utah Center, Suite 2000
Salt Lake City, Utah 84140-0200

Re: Minor Modification of Resource Recovery and Protection Plan (R2P2), Rilda Canyon
Ventilation Breakout, Hiawatha Seam, Deer Creek Mine.

Dear Mr. Pollastro:

The Bureau of Land Management (BLM) received on August 23, 2005, a request from Interwest Mining Company to modify the approved R2P2 by requesting a second ventilation portal breakout in Rilda Canyon at the subject mine. This portal breakout is the extension of the 1st Right Sub-Mains, Hiawatha Seam, to a surface outcrop located in Rilda Canyon, Emery County, on Federal coal lease U-06039.

Interwest proposes a second portal breakout from existing mine workings (1st Right Sub-Mains) to facilitate ventilation requirements for the Mill Fork lease mine area. The previous R2P2 approval granted mining up to the surface of the portal area and one portal breakout. Approval of a second portal breakout will alleviate some critical ventilation requirements.

Interwest's plan for this breakout will be conducted from inside the mine and no surface effect other than the opening would occur. Site security, public safety and mine safety would be assured by the attached itemized plan for this portal breakout.

Recoverable reserves for the lease and LMU will not change. This is a change from the previously approved R2P2 as this area was to be mined at the end of the mine life and with a different configuration. Interwest requests this change to allow for continued longwall development and mining without stoppage currently progressing in the Mill Fork Lease.

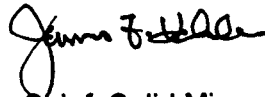
The BLM has inspected the area a number of times (including 20 October 2005). As part of the March 11, 2004 submittal, Interwest showed new mining plans for the proposed Rilda Canyon portals, called 1st Right Sub-mains for portal access. Since this submission, alternative

locations for other Rilda Canyon portals have been and are being evaluated. Though we agree in principle for the need for additional portals in Rilda Canyon and the use of 1st Right Sub-mains as the access for the portals, we take no action in this approval letter for additional portals (beyond this second ventilation breakout) until the portal locations are finalized and accepted.

This approval of a minor modification to an existing R2P2 is Categorically Excluded from National Environmental Policy Act (NEPA) analysis in that no new surface disturbance will occur from this action as stated in Overview of BLM's NEPA Process, February 1997, Appendix 2, page 2-7 (F)(7).

The modification of the R2P2 complies with the Mineral Leasing Act of 1920, as amended, the regulations at 3480, and the lease terms and conditions and will achieve maximum economic recovery of the federal coal. The modification to the R2P2, as depicted on Map CM-10899-DR revised 3-9-04, is approved as submitted. A copy of the approved mine map is enclosed. If you have any questions, please contact Steve Rigby at the Price Field Office (435) 636-3604 or Jeff McKenzie of my staff at (801) 539-4038.

Sincerely,



Chief, Solid Minerals

Enclosures

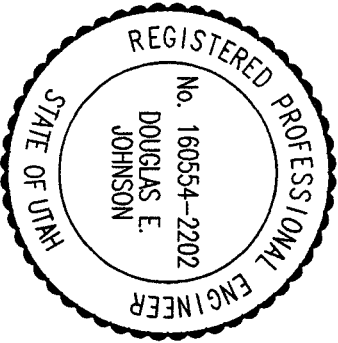
Rilda Canyon Fan Portal Development Plan (as revised)
Approved Mine Maps (2)

cc: UT-070, Price, Utah (w/encl.)
Utah Division of Oil Gas and Mining (w/encl.)
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
Energy West Mining Company (w/encl.)
P. O. Box 310
Huntington, Utah 84528

RILDA CANYON FAN PORTAL DEVELOPMENT PLAN

Energy West request approval to develop a single breakout in Rilda Canyon following the plan as outlined below:

- 1) All rock slope development will be from within the mine to the outcrop of the Star Point Sandstone.
- 2) Colluvial material encountered at the outcrop interface will be stored within the mine.
- 3) During the final breakout process, mine personnel will be stationed at the outcrop to warn/prevent unwarranted access and to monitor the area for any unsafe condition(s).
- 4) If any rocks are dislodged as a result of the portal development which impact public safety, Energy West will immediately rectify the situation.
- 5) Warning signs will be installed along Emery County Road #306 to warn the public of the portal development process.
- 6) A temporary fence will be erected around the breakout area to prevent unwarranted access. Fencing materials used will be non-shiny material and/or of a dark color.
- 7) Silt fence will be erected downslope of the portal breakout to prevent additional contribution of suspended solids to the receiving stream.
- 8) Warning signs will be installed along the exterior of the fence, including; NO SMOKING, NO UNAUTHORIZED PERSONNEL BEYOND THIS POINT, DANGER.
- 9) No equipment will be used on the surface except for hand tools to remove material to prevent unsafe conditions.
- 10) All slopes, ribs or faces of the opening or unstable areas in the surrounding area will be scaled and secured and supported before completion.
- 11) The exiting brow of the mine opening will be secured and the exit of the mine opening will be posted off with timber and fencing upon completion of the mine development.
- 12) No permanent structures will be constructed until Energy West receives approval from the Assistant Secretary of Land and Minerals at the Department of Interior.



I, DOUGLAS E. JOHNSON BEING A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS DRAWING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DOUGLAS E. JOHNSON NO. 160554-2202

DATE

10-27-05

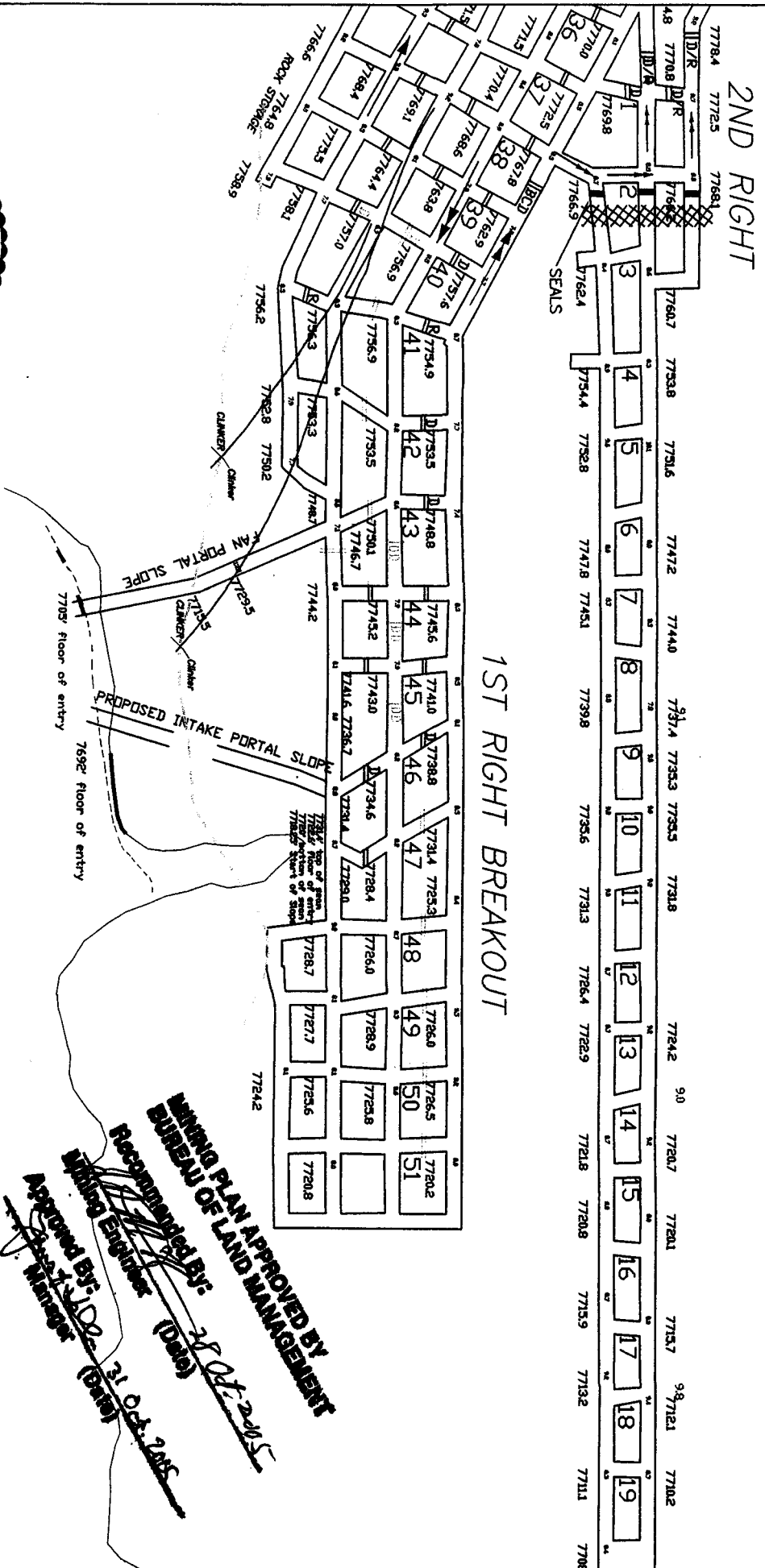
**MINING PLAN APPROVED BY
BUREAU OF LAND MANAGEMENT**
Recommended By: *[Signature]* (Date) *10-27-2005*
Mining Engineer
Approved By: *[Signature]* (Date) *10-27-2005*
Mining Manager

Scale
0' 50' 100' 200'

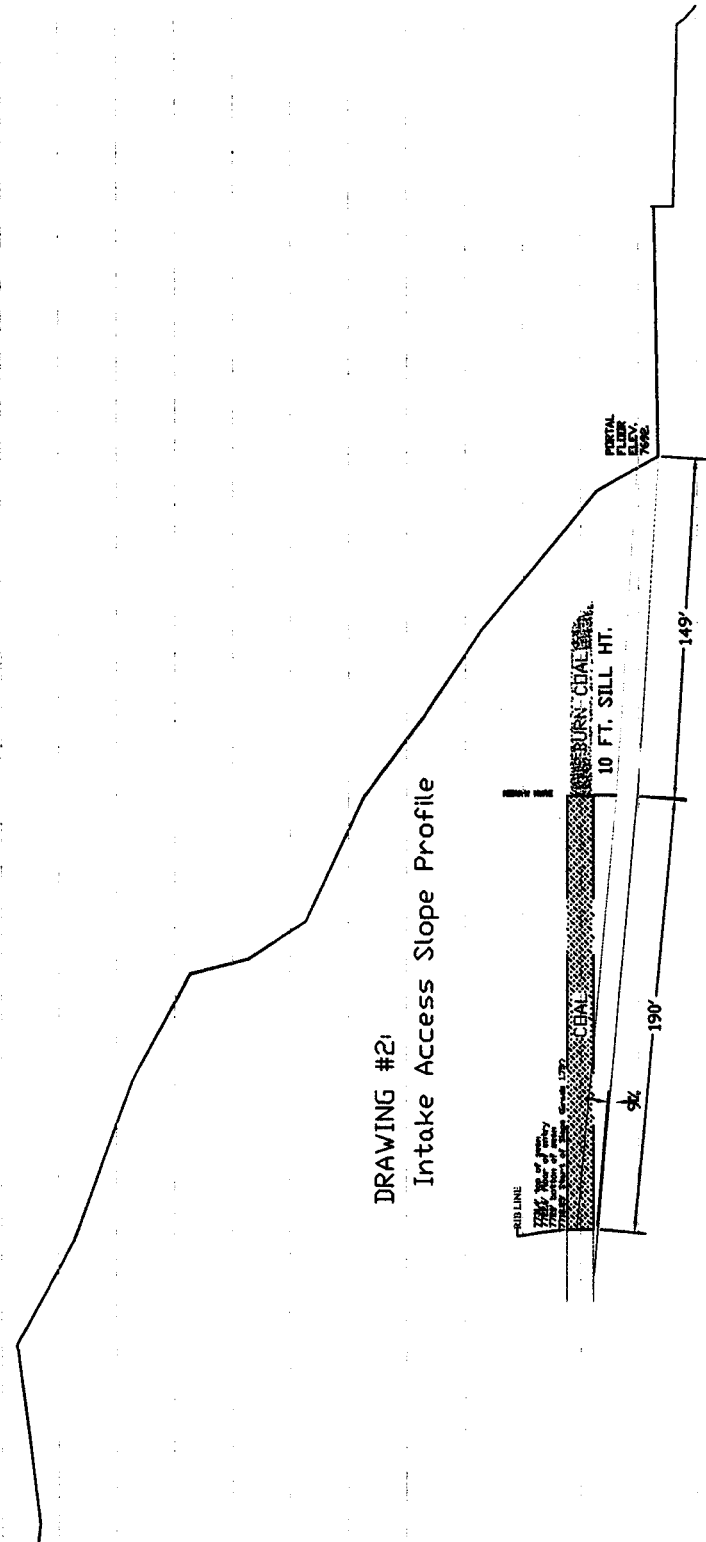
OLD FILE NAME/ISSUE/REVISIONS - 10-16-05

**ENERGY WEST
MINING COMPANY**
HARRISON, UTAH 84033
**DEER CREEK MINE
RILDA CANYON INTAKE PORTAL
BREAKOUT - PLAN VIEW**

DESIGN BY: *K.S. PLACE*
SCALE: *AS SHOWN*
DATE: *OCTOBER 27, 2005*
SHEET *1* OF *1*



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DRAWING #2:
Intake Access Slope Profile

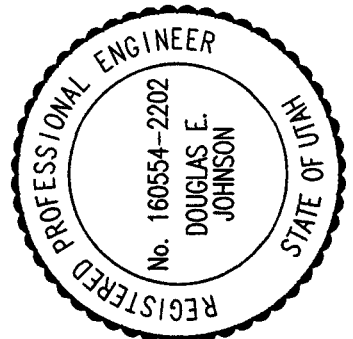
PROFILE OF INTAKE SLOPE (339 ft. total)

Scale
0' 50' 100'

CAD FILE NAME/DATE: 10-27-05

ENERGY WEST MINING COMPANY HUNTERDALE, UTAH 84003	
DEER CREEK MINE RILDA CANYON INTAKE PORTAL BREAKOUT - PROFILE VIEW	
DRAWN BY: K.S. FLOCK	CHECKED BY: ...
SCALE: AS SHOWN	DATE: OCTOBER 27, 2005
SHEET 1 OF 1	REV.:

I, DOUGLAS E. JOHNSON BEING A REGISTERED PROFESSIONAL ENGINEER
IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THE INFORMATION
CONTAINED ON THIS DRAWING IS TRUE AND ACCURATE TO THE BEST OF
MY KNOWLEDGE AND BELIEF.



Douglas E. Johnson
DOUGLAS E. JOHNSON NO. 160554-2202
DATE 10-27-05

From: Dale Harber <dharber@fs.fed.us>
To: <prutledg@osmre.gov>
Date: 11/10/2005 10:33:22 AM
Subject: Second Rilda Canyon Breakout

I agree with allowing the operator in the Mill Fork Tract to construct a second air course breakout from the inside of the Rilda Canyon Mine to facilitate ventilation requirements. I understand that BLM will require the following stipulations that minimize surface disturbance and that will require adequate protection for public safety:

1. All rock slope development will be from within the mine to the outcrop of the Starpoint Sandstone.
2. Colluvial material encountered at the outcrop interface will be stored within the mine.
3. During the final brekout process, personnel will be stationed at the outcrop to prevent access and monitor the area for safety.
4. Any surface rocks dislodged as a result of the breakout that pose a threat to public safety will be stabilized by the company.
5. Warning signs will be placed along Emery County Road #306 to warn the public of the breakout.
6. The breakout area will be fenced and warning signs will be placed on the fence.
7. No equipment will be used on the surface.
8. No permanent structures will be constructed until the federal mining plan is approved by the Assistant Secretary of the Interior.

My concerns regarding safety are to ensure that the public will not be able to gain access to the breakout and that rocks dislodged during the brekout process will not endanger the County Road below. Please forward Steve Rigby, Dale Harber, and myself a copy of the approval and stipulations. If you have questions, please give me a call. Thanks.

/s/ Dale L. Harber
for
Alice B. Carlton
Forest Supervisor
Manti-La Sal National Forest

CC: <James_Kohler@blm.gov>, <pamgrubaughlittig@utah.gov>, <Steve_Rigby@blm.gov>, Alice Carlton <acarlton@fs.fed.us>, Dale Harber <dharber@fs.fed.us>, Carter Reed <creed01@fs.fed.us>, Jeffrey Alexander <jalexander@fs.fed.us>, <maryannwright@utah.gov>